

FILED

MAR 15 2021

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BY DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

2:21 CV 469 AC PC

RONALD DEAN VANDALL
PLAINTIFF

CASE NO.

v.

DEMAND FOR JURY TRIAL

- 1.) DIRECTOR OF U.S. MARSHALL SERVICES DONALD WASHINGTON
- 2.) SHERIFF SCOTT JONES
- 3.) COMMANDER BRANDON LUKE
- 4.) ASSISTANT COMMANDER MCKARSIE badge # 165
- 5.) SUPERVISOR FOLENA badge # 7
- 6.) SUPERVISOR SCHALLER badge # 2021
- 7.) INTELLIGENCE DEPUTY SWIKA badge # 38
- 8.) CHAPLAIN

DEFENDANTS

COMPLAINT

INTRODUCTION

1. PLAINTIFF RONALD VANDALL IS INCARCERATED IN THE CUSTODY OF THE SACRAMENTO COUNTY JAIL.
2. ON 7-1-19 PLAINTIFF WAS TRANSFERRED FROM NEW FOLSOM STATE PRISON TO THE SACRAMENTO COUNTY JAIL ON FEDERAL CHARGES.
3. ON PLAINTIFF'S ARRIVAL ON 7-1-19 HE WAS PLACED IN TOTAL SEPARATION (T-SEP) WHICH IS DESIGNATED RESTRICTED

Housing.

4. IN (T-SEP) PLAINTIFF IS ONLY PROVIDED OUT OF HIS CELL ONE HOUR PER DAY.

5. PLAINTIFF IS FACING POTENTIAL DEATH PENALTY CHARGES AND IS NOT ALLOWED CONTACT VISITS WITH HIS LEGAL TEAM.

6. PLAINTIFF IS NOT PROVIDED CONFIDENTIAL LEGAL VISITS WITH HIS LEGAL TEAM.

7. PLAINTIFF IS NOT PROVIDED CONFIDENTIAL LEGAL CALLS.

8. PLAINTIFF IS NOT PROVIDED WITH ADEQUATE OUTSIDE RECREATION.

9. ON OR ABOUT JUNE OF 2020 JAIL STAFF BEGAN TO MOVE PLAINTIFF TO A DIFFERENT UNSANITARY CELL EVERY 7 TO 14 DAYS. THIS MOVE IS ACCOMPLISHED BY TAKING PLAINTIFF DOWNSTAIRS TO INTAKE FOR A FULL BODY SCAN IN XRAY MACHINE.

10. ON 3-8-20 AND AGAIN ON 3-20-20 PLAINTIFF REQUESTED A VEGETARIAN DIET FOR RELIGIOUS REASONS THROUGH CHAPLAIN SERVICES BUT REQUESTS WERE IGNORED.

JURISDICTION

11. THIS CAUSE OF ACTION ARISES UNDER THE UNITED STATES CONSTITUTION, ENFORCEABLE PURSUANT TO 42 U.S.C. §1983. JURISDICTION IS PROPER PURSUANT TO 28 U.S.C. §§ 2201 AND 2202.

VENUE

12. VENUE IS PROPER UNDER 28 U.S.C. §1391(b)(2), BECAUSE THE EVENTS AND OMISSIONS GIVE RISE TO THE CLAIMS

1 occurring in this district.
2

3 PARTIES

4 13. PLAINTIFF RONALD YANDELL is a person incarcerated
5 in the custody of the SACRAMENTO SHERIFF DEPARTMENT.
6 He is currently housed at the SACRAMENTO COUNTY MAIN JAIL.

7 14. DEFENDANT DONALD WASHINGTON is the DIRECTOR
8 OF THE U.S. MARSHALL SERVICE. HE HAS THE OVERALL
9 RESPONSIBILITY FOR THE POLICIES, PROCEDURES AND
10 OPERATIONS CONCERNING FEDERAL DETAINEES IN THE
11 SACRAMENTO COUNTY MAIN JAIL. THUS, DEFENDANT WASHINGTON
12 IS A DIRECT PARTICIPANT IN THE ACTS COMPLAINED OF
13 HEREIN, VIA HIS CAPACITY OF POLICYMAKER. HE IS
14 SUED IN HIS OFFICIAL CAPACITY FOR INJUNCTIVE RELIEF
15 AND IN HIS INDIVIDUAL CAPACITY FOR DAMAGES.

16 15. DEFENDANT SCOTT JONES is ELECTED SHERIFF OF THE
17 SACRAMENTO COUNTY SHERIFF DEPARTMENT. HE HAS OVERALL
18 RESPONSIBILITY FOR THE POLICIES, PROCEDURES, OPERATIONS
19 AND SUPERVISION OF THE SHERIFF DEPARTMENT, ITS EMPLOYEES,
20 AGENTS, AND JAIL. HE IS ULTIMATELY RESPONSIBLE FOR THE
21 CONDITIONS OF CONFINEMENT AT THE SACRAMENTO COUNTY
22 JAIL. THUS, DEFENDANT JONES IS A DIRECT PARTICIPANT
23 IN THE ACTS COMPLAINED OF HEREIN, VIA HIS CAPACITY
24 OF POLICYMAKER. HE IS SUED IN HIS OFFICIAL CAPACITY
25 FOR INJUNCTIVE RELIEF AND IN HIS INDIVIDUAL CAPACITY
26 FOR DAMAGES.

27 16. DEFENDANT BRANDON LUKE is the COMMANDER OF
28 THE SACRAMENTO COUNTY MAIN JAIL WHO HOLDS THE RANK

OF CAPTAIN. HE HAS DIRECT RESPONSIBILITY FOR THE POLICIES, PROCEDURES, OPERATIONS AND SUPERVISION OF THE EMPLOYEES, AGENTS, AND DEPUTIES AT THE SACRAMENTO COUNTY MAIN JAIL. HE HAS DIRECT RESPONSIBILITY FOR THE CONDITIONS OF CONFINEMENT AT THE MAIN JAIL AS COMMANDER. THUS, DEFENDANT LUKE IS A DIRECT PARTICIPANT IN THE ACTS COMPLAINED OF HEREIN, VIA HIS DIRECT INVOLVEMENT AND IN HIS CAPACITY AS POLICYMAKER. HE IS SUED IN HIS ^{OFFICIAL} CAPACITY FOR INJUNCTIVE RELIEF AND IN HIS INDIVIDUAL CAPACITY FOR DAMAGES.

17. DEFENDANT MCKARSIE IS AN ASSISTANT COMMANDER AT THE SACRAMENTO COUNTY MAIN JAIL WHO HOLDS THE RANK OF SERGEANT badge #165. DEFENDANT MCKARSIE DENIED PLAINTIFF'S GRIEVANCE THROUGH THE JAIL'S ADMINISTRATIVE REMEDY PROCEDURES. DEFENDANT MCKARSIE IS AN ACTIVE PARTICIPANT IN THE ACTS COMPLAINED HEREIN, VIA HIS DIRECT INVOLVEMENT AND IN HIS CAPACITY OF DECISION MAKER. HE IS SUED IN HIS OFFICIAL CAPACITY FOR INJUNCTIVE RELIEF AND IN HIS INDIVIDUAL CAPACITY FOR DAMAGES.

18. DEFENDANT FOLENA IS A SUPERVISOR AT THE SACRAMENTO COUNTY MAIN JAIL WHO HOLDS THE RANK OF SERGEANT badge #7. DEFENDANT FOLENA DENIED PLAINTIFF'S GRIEVANCE THROUGH THE JAIL'S ADMINISTRATIVE REMEDY PROCEDURES. DEFENDANT FOLENA IS AN ACTIVE PARTICIPANT IN THE ACTS COMPLAINED OF HEREIN, VIA HIS DIRECT INVOLVEMENT AND IN HIS CAPACITY AS DECISION MAKER. HE IS SUED IN HIS OFFICIAL CAPACITY FOR INJUNCTIVE RELIEF AND IN HIS INDIVIDUAL CAPACITY

1 FOR DAMAGES.

2 19. DEFENDANT SCHALLER IS SUPERVISOR AT THE SACRA-
 3 MENTO COUNTY MAIN JAIL WHO HOLDS THE RANK OF SERGEANT.
 4 BADGE # 2021. DEFENDANT SCHALLER IS DENIED PLAINTIFF'S
 5 GRIEVANCE THROUGH THE JAIL ADMINISTRATIVE REMEDY
 6 PROCEDURES. DEFENDANT SCHALLER IS AN ACTIVE PARTICI-
 7 PANT IN THE ACTS COMPLAINED OF HEREIN, VIA HER
 8 DIRECT INVOLVEMENT AND IN HER CAPACITY AS DECISION
 9 MAKER. SHE IS SUED IN HER OFFICIAL CAPACITY FOR
 10 INJUNCTIVE RELIEF AND IN HER INDIVIDUAL CAPACITY
 11 FOR DAMAGES.

12 20. DEFENDANT SAIKA IS AN INTELLIGENCE DEPUTY
 13 AT THE SACRAMENTO COUNTY MAIN JAIL WHO HOLDS THE
 14 RANK OF SERGEANT. BADGE # 38. DEFENDANT SAIKA HAS
 15 DIRECT RESPONSIBILITY FOR THE POLICIES, PROCEDURES,
 16 AND OPERATIONS OF PLAINTIFF'S CONDITIONS OF CON-
 17 FINEMENT IN 8 WEST TOTAL SEPARATION, THUS, VIA
 18 HIS DIRECT INVOLVEMENT AS A PARTICIPANT IN THE
 19 ACTS COMPLAINED OF HEREIN, HE IS SUED IN HIS
 20 OFFICIAL CAPACITY FOR INJUNCTIVE RELIEF AND IN HIS
 21 INDIVIDUAL CAPACITY FOR DAMAGES.

22 21. DEFENDANT TERRY TOLIVER IS A CHAPLAIN AT THE
 23 SACRAMENTO COUNTY MAIN JAIL. DEFENDANT TOLIVER
 24 IS RESPONSIBLE FOR RELIGIOUS MATTERS CONCERNING
 25 DIETARY MEALS. HE IS A DIRECT PARTICIPANT IN THE
 26 ACTS COMPLAINED OF HEREIN, BOTH VIA HIS DIRECT
 27 INVOLVEMENT AND IN HIS CAPACITY AS A DECISION
 28 MAKER. HE IS SUED IN HIS OFFICIAL CAPACITY FOR

1 INJUNCTIVE RELIEF AND IN HIS INDIVIDUAL CAPACITY
2 FOR DAMAGES.

3
4 STATEMENT OF FACTS

5 PLAINTIFF YANDELL INCORPORATES ALL FACTS
6 PREVIOUSLY AND FURTHER AVERS AS FOLLOWS:

7 22. ON 7-1-19 PLAINTIFF YANDELL WAS TRANSFERRED
8 FROM NEW FOLSOM STATE PRISON TO THE SACRAMENTO
9 COUNTY MAIN JAIL TO FACE FEDERAL CHARGES.

10 23. ON 7-1-19 PLAINTIFF WAS HOUSED ON BWEST
11 /TOTAL SEPARATION WHICH IS A RESTRICTED
12 HOUSING UNIT LOCKED IN A CELL 23 HOURS PER DAY.

13 24. PLAINTIFF WAS NEVER GIVEN WRITTEN NOTICE
14 OR ANY TYPE OF HEARING TO BE HEARD ON WHY HE
15 WAS BEING PUNISHED WITH EXTREME ISOLATION.

16 25. PLAINTIFF IS FACING A POTENTIAL DEATH
17 PENALTY CASE AND IS NOT ALLOWED CONTACT VISITS
18 WITH HIS LEGAL TEAM.

19 26. PLAINTIFF IS NOT ALLOWED A VISITING ROOM
20 WITH HIS LEGAL TEAM THAT IS CONFIDENTIAL.

21 27. PLAINTIFF HAS TO USE A WALL PHONE IN
22 BWEST COMMON AREA FOR LEGAL CALLS WHICH
23 ARE NOT CONFIDENTIAL.

24 28. SINCE PLAINTIFF'S ARRIVAL AT SACRAMENTO
25 COUNTY MAIN JAIL HE HAS NOT BEEN ALLOWED
26 ADEQUATE OUTSIDE RECREATION, AND SINCE OCT.
27 OF 2020 HAS NOT BEEN ALLOWED ANY OUTSIDE
28 RECREATION.

29. ON OR ABOUT JUNE OF 2020 DEPUTIES BEGAN MOVING PLAINTIFF TO A DIFFERENT CELL EVERY 7 TO 14 DAYS. PLAINTIFF IS PLACED IN AN UNSANITARY CELL WITHOUT PROPER CLEANING SUPPLIES AFTER HE IS TAKEN DOWNSTAIRS FOR A BODY SCAN IN XRAY MACHINE WHICH IS ON-GOING.

30. ON 3-8-20 AND AGAIN ON 3-20-20 PLAINTIFF SENT REQUESTS TO THE JAIL CHAPLAIN TO BE PLACED ON A VEGETARIAN DIET FOR RELIGIOUS REASONS WHICH WERE IGNORED.

31. PLAINTIFF HAS TRIED TO RESOLVE ALL THESE ISSUES THROUGH THE GRIEVANCE PROCESS BUT ALL HAVE BEEN DENIED.

CLAIMS FOR RELIEF

FIRST CLAIM

FOURTEENTH AMENDMENT VIOLATION: DUE PROCESS
DEFENDANTS VIOLATED PLAINTIFF'S RIGHTS UNDER THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION BY ARBITRARILY PLACING HIM IN EXTREME ISOLATION WITHOUT WRITTEN NOTICE OR GIVEN A CHANCE TO BE HEARD.

SECOND CLAIM

SIXTH AMENDMENT VIOLATION: CONTACT LEGAL VISITS. DEFENDANTS VIOLATED PLAINTIFF'S SIXTH AMENDMENT RIGHT BY FAILING TO ALLOW PLAINTIFF

1 CONTACT LEGAL VISITS WITH HIS LEGAL TEAM.
2

3 THIRD CLAIM

4 SIXTH AMENDMENT VIOLATION: CONFIDENTIAL
5 LEGAL VISITS. DEFENDANTS VIOLATED PLAINTIFF'S
6 SIXTH AMENDMENT RIGHT UNDER THE UNITED STATES
7 CONSTITUTION BY FAILING TO PROVIDE A CONFIDENTIAL
8 VISITING ^{ROOM} TO ALLOW PLAINTIFF TO CONFER
9 WITH HIS LEGAL TEAM WITHOUT BEING HEARD.
10

11 FOURTH CLAIM

12 EIGHTH AMENDMENT VIOLATION: CONDITIONS OF
13 CONFINEMENT. DEFENDANTS VIOLATED PLAINTIFF'S
14 EIGHTH AMENDMENT RIGHT UNDER THE UNITED STATES
15 CONSTITUTION BY FAILING TO PROVIDE PLAINTIFF
16 WITH ADEQUATE OUTSIDE RECREATION.
17

18 FIFTH CLAIM

19 EIGHTH AMENDMENT VIOLATION: CONDITIONS OF
20 CONFINEMENT. DEFENDANTS VIOLATED PLAINTIFF'S EIGHTH
21 AMENDMENT RIGHT UNDER THE UNITED STATES CONSTITUTION
22 BY MOVING PLAINTIFF TO A DIFFERENT CELL EVERY
23 7 TO 14 DAYS UNDER UNSANITARY CONDITIONS SOLELY AS
24 PUNISHMENT.

25 SIXTH CLAIM

26 FIRST AMENDMENT VIOLATION: EXERCISE OF RELIGION.
27 DEFENDANTS VIOLATED PLAINTIFF'S FIRST AMENDMENT RIGHT
28 UNDER THE U.S. CONSTITUTION FOR FAILURE TO PROVIDE RELIG-

ious diet.

EXHAUSTION OF REMEDIES

PLAINTIFF HAS FULLY EXHAUSTED AVAILABLE REMEDIES.

PRAYER FOR RELIEF

WHEREFORE, THE PLAINTIFF PRAYS THAT THIS
HONORABLE COURT GRANT THE FOLLOWING RELIEF:

a. DECLARE THAT THE ACTS AND OMISSIONS OF THE
DEFENDANTS VIOLATED PLAINTIFF'S CONSTITUTIONAL RIGHTS
AND FEDERAL LAWS;

b. ENTER AN INJUNCTION REQUIRING THE DEFENDANTS,
THEIR AGENTS, SUBORDINATES, EMPLOYEES AND ALL OTHERS
ACTING IN CONCERT WITH THEM TO CEASE THEIR UNCON-
STITUTIONAL AND UNLAWFUL PRACTICES AND TO REMEDY
THEIR VIOLATIONS OF THE CONSTITUTION AND THE LAWS;

c. ENTER AN INJUNCTION REQUIRING DEFENDANTS TO
RESTORE ALL RIGHTS, AND PRIVILEGES;

d. AWARD TO PLAINTIFF REASONABLE COSTS AND FEES;

e. AND, GRANT THE PLAINTIFF SUCH OTHER RELIEF AS
THE COURT MAY DEEM JUST AND PROPER.

Respectfully Submitted, this the 10th day of March, 2021

Ronald D. Yordell
651 "I" Street
SACRAMENTO, CA
-95814-

1 Your Name

2 Address

3 City, State, Zip Code

4 Telephone Number

5
6 IN THE UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA

8 Your Name, Ronald Dean Yandell
9 Plaintiff,

10 vs.

No.

11 Defendant(s), Donald Washington

12 Defendant(s), Scott Jones **PROOF OF SERVICE**

13 _____
14 I, the undersigned, hereby certify that I am over the age of eighteen years and
15 on MARCH 10th, 2021, I served a copy of

16 9 PAGE CIVIL COMPLAINT
17 by placing a copy in a postage paid envelope addressed to the person hereinafter listed
18 by depositing said envelope in the United States Mail:

19
20 **(List All Defendants and Addresses Served)**

21
22 I declare under penalty of perjury that the foregoing is true and correct.

23
24 Ronald D. Yandell
25 (Signed)
26